

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DAVID E. LINEAR, JR.,	)	CASE NO. C05-0785-MAT
	)	
Plaintiff,	)	
	)	
v.	)	ORDER TO SHOW CAUSE
	)	
JO ANNE B. BARNHART, Commissioner	)	
of Social Security,	)	
	)	
Defendant.	)	
_____	)	

Based on stipulations initiated by defendant, the Court granted three extensions of time for the filing of a responsive brief in this matter. (*See* Dkts. 14, 16 & 18.) In the last order granting an extension, the Court gave defendant until Monday, October 31, 2005 to file a responsive brief. (Dkt. 18.) The Court noted that, absent exceptional circumstances, no further extension would be allowed. *Id.* To date, defendant has yet to submit a responsive brief, or any other document explaining their failure to timely submit a response. In fact, none of the three stipulations submitted in this matter contain any reason, much less exceptional circumstances, explaining defendant's inability to respond to plaintiff's opening brief in a timely manner.

Accordingly, the Court hereby orders defendant to show cause within **ten (10) days** of the

01 date of this order as to why plaintiff's request for an award of benefits should not be granted.  
02 Failure to respond to this order in a timely fashion will be construed as an admission that plaintiff's  
03 contentions have merit.

04 DATED this 7th day of November, 2005.

05  
06   
07 Mary Alice Theiler  
08 United States Magistrate Judge  
09  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22